

REMARKS

Claims 28, 29, 41, 47, 48, 65, 66, 83 and 84 are cancelled herein without prejudice or disclaimer and Applicant reserves the right to pursue subject matter of such claims in one or more continuing patent applications. Claims 25, 44, 61, 79 and 82 are amended and the amendments find basis in the claims as originally filed and in the specification throughout. Accordingly, no prohibited new matter is introduced by entry of the amendments.

The Office objected to claim 41 under 37 C.F.R. 1.75(c). This objection is moot as claim 41 is cancelled herein without prejudice or disclaimer.

The Office rejected claims in the outstanding action for alleged failure to comply with the written description and enablement requirements of 35 U.S.C. 112, first paragraph, as summarized hereafter:

- i. Claims 25, 27-33, 41, 43, 44, 46-53, 56-71, 74-91, 94 and 95 were rejected under 35 U.S.C. 112, first paragraph, for alleged failure to comply with the written description requirement; and
- ii. Claims 25, 27-29, 32, 33, 41, 43, 44, 46-48, 51-84, 87-95 were rejected under 35 U.S.C. 112, first paragraph, for alleged lack of enablement.

Applicant respectfully traverses these rejections. The claim amendments are introduced to expedite prosecution, and Applicant respectfully asserts the outstanding rejections are inapplicable to the claims herein.

Rejection for alleged failure to comply with the written description requirement

Claims 25, 27-33, 41, 43, 44, 46-53, 56-71, 74-91, 94 and 95 were rejected under 35 U.S.C. 112, first paragraph, for alleged failure to comply with the written description requirement. Applicant respectfully traverses the rejection and respectfully submits the rejection is inapplicable to the claims herein. The Office acknowledges the specification describes an FK506 binding region on page 4 of the action, and the claims herein specify that the chimeric protein includes a "FK506 ligand-binding region." Accordingly, Applicant respectfully requests withdrawal of the rejection under 35 U.S.C. 112, first paragraph, for alleged lack of written description.

Rejection for alleged lack of enablement

Claims 25, 27-29, 32, 33, 41, 43, 44, 46-48, 51-84, 87-95 were rejected under 35 U.S.C. 112, first paragraph, for alleged lack of enablement. Applicant respectfully traverses the rejection and respectfully submits the rejection is inapplicable to the claims herein. The Office acknowledges on page 7 that the specification is enabling for chimeric proteins having an FK506 binding protein and using "FK506 or its analogs." Independent claims 25 and 61 herein specify that a multimeric FK506 or FK506 analog ligand that binds to the FK506 ligand-binding region in the chimeric protein is utilized. Independent claims 44 and 79 herein specify the chimeric protein includes an FK506 ligand-binding region that can bind to a FK506 and/or FK506 analog molecule. Accordingly, Applicant respectfully request withdrawal of the rejection under 35 U.S.C. 112, first paragraph, for alleged lack of enablement.

CONCLUSIONS

Applicant respectfully submits all pending claims will be in condition for allowance upon entry of the amendments herein. Applicant respectfully solicits a prompt notification to this effect, and the Examiner is encouraged to contact the undersigned representative (contact information below) to promptly resolve any remaining issues or questions.

In the unlikely event a fee calculation document or other pertinent document is separated from this submission and the Office determines that an extension and/or other relief is required, Applicant petitions for any required relief, including extensions of time, and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. **50-3473**.

Respectfully submitted,

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